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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,687	10/27/2003	Kevin J. Powell	1689.0320001	8675
26111	7590	06/28/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,687	<b>Applicant(s)</b> POWELL ET AL.	
	<b>Examiner</b> Ahshik Kim	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/13/06 (RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,20,25-28 and 33 is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9,13-15,21-24,29-32,34 and 35 is/are rejected.
- 7) ☒ Claim(s) 3-6,10-12 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
37 CFR 1.114. Applicant's submission filed on April 13, 2006 has been entered.

### ***Amendment***

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2. Pursuant to filing of RCE, the amendment previously submitted on January 20, 2006 is  
entered. Currently, claims 1-35 remain in the examination.

### ***Claim Objections***

15 3. Claim 22 is objected to because of the following informalities:

Re claim 22, line 2: "its identification" should be rephrased without using "its" since in  
claim language, use of pronouns are generally discouraged. For example, "transmit the  
identification number of said first tag" may be acceptable. Or simply delete "its."

Appropriate correction is required. Applicant is respectfully suggested to review all  
20 claims for similar informalities.

### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7-9, 13-15, 21-24, 29-32, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Rimbault et al. (US 6,177,858, hereinafter “Rimbault”).

10 Re claims 1, 2, 9, 13-15, 21, 24, 29, and 34, Rimbault discloses a method for remotely identifying a plurality of identity tags (see abstract; col. 3, lines 5+). At the start of the search, the station sends a value for the first digit of the tag. Only the tags having the matching value in the first digit would respond (col. 8, lines 23+). The search then continues for the second digit. The iterative process can be considered a binary traversal since on each digit starting from the first digit, only the qualified tags continue to respond, and the tags that are not matching would  
15 switch over to their temporarily blocked state (col. 8, lines 23-55).

Re claims 7, 22, 30-32, and 35, at the end of the repeated process where all the digits are accounted for, the reader is in possession of the identification number of the tag.

Re claims 8 and 23, the tags responding to interrogation signal is receiving a command and executing the command received from the reader (col. 8, lines 29-32).

20  
***Allowable Subject Matter***

6. Claims 19-20, 25-28, and 33 are allowed.

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7. Claims 3-6, 10-12, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the

5 claims are directed at a method of identifying a tag from a plurality of RFID tags. The tags receives a first at least one bit from the reader to cause the tag to respond to a binary traversal operation with a second bit pattern. The second bit pattern is generated randomly. Such method is not disclosed or suggested by the cited references. Moreover, performing binary traversal with a key that is different from the identification number wherein each bit of the key is randomly  
10 generated is also patentable over the prior arts.

### *Conclusion*

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shanks et al. (US 2004/0135674); Moyer (US 6,774,766) disclose RFID  
15 identification systems. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.  
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

30 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly*

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*signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

5 Information regarding the status of an application may be obtained from the Patent  
Application Information Retrieval (PAIR) system. Status information for published applications  
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
application is available for Private PAIR only. For more information about the PAIR system,  
see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR  
10 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim  
Primary Examiner  
Art Unit 2876  
June 23, 2006

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